

Bureau of Land Management, Interior

Pt. 2800

(b) If the patentee elects not to accept the renunciation of the reversionary interests, the provisions contained in §§2741.6 and 2741.9 shall continue to apply.

Group 2800—Use; Rights-of-Way

PART 2800—RIGHTS-OF-WAY UNDER THE FEDERAL LAND POLICY MANAGEMENT ACT

Subpart 2801—General Information

Sec.

- 2801.2 What is the objective of BLM's right-of-way program?
- 2801.5 What acronyms and terms are used in the regulations in this part?
- 2801.6 Scope.
- 2801.8 Severability.
- 2801.9 When do I need a grant?
- 2801.10 How do I appeal a BLM decision issued under the regulations in this part?

Subpart 2802—Lands Available for FLPMA Grants

- 2802.10 What lands are available for grants?
- 2802.11 How does BLM designate corridors?

Subpart 2803—Qualifications for Holding FLPMA Grants

- 2803.10 Who may hold a grant?
- 2803.11 Can another person act on my behalf?
- 2803.12 What happens to my application or grant if I die?

Subpart 2804—Applying for FLPMA Grants

- 2804.10 What should I do before I file my application?
- 2804.11 Where do I file my grant application?
- 2804.12 What information must I submit in my application?
- 2804.13 Will BLM keep my information confidential?
- 2804.14 What is the processing fee for a grant application?
- 2804.15 When does BLM reevaluate the processing and monitoring fees?
- 2804.16 Who is exempt from paying processing and monitoring fees?
- 2804.17 What is a Master Agreement (Processing Category 5) and what information must I provide to BLM when I request one?
- 2804.18 What provisions do Master Agreements contain and what are their limitations?
- 2804.19 How will BLM process my Processing Category 6 application?

- 2804.20 How does BLM determine reasonable costs for Processing Category 6 or Monitoring Category 6 applications?
- 2804.21 What other factors will BLM consider in determining processing and monitoring fees?
- 2804.22 How will the availability of funds affect the timing of BLM's processing?
- 2804.23 What if there are two or more competing applications for the same facility or system?
- 2804.24 Do I always have to submit an application for a grant using Standard Form 299?
- 2804.25 How will BLM process my application?
- 2804.26 Under what circumstances may BLM deny my application?
- 2804.27 What fees do I owe if BLM denies my application or if I withdraw my application?
- 2804.28 What processing fees must I pay for a BLM grant application associated with Federal Energy Regulatory Commission (FERC) licenses or re-license applications under part I of the Federal Power Act (FPA)?
- 2804.29 What activities may I conduct on the lands covered by the proposed right-of-way while BLM is processing my application?

Subpart 2805—Terms and Conditions of Grants

- 2805.10 How will I know whether BLM has approved or denied my application?
- 2805.11 What does a grant contain?
- 2805.12 What terms and conditions must I comply with?
- 2805.13 When is a grant effective?
- 2805.14 What rights does a grant convey?
- 2805.15 What rights does the United States retain?
- 2805.16 If I hold a grant, what monitoring fees must I pay?
- 2805.17 When do I pay monitoring fees?

Subpart 2806—Rents

GENERAL PROVISIONS

- 2806.10 What rent must I pay for my grant?
- 2806.11 How will BLM charge me rent?
- 2806.12 When do I pay rent?
- 2806.13 What happens if I pay the rent late?
- 2806.14 Under what circumstances am I exempt from paying rent?
- 2806.15 Under what circumstances may BLM waive or reduce my rent?
- 2806.16 When must I make estimated rent payments to BLM?

LINEAR RIGHTS-OF-WAY

- 2806.20 What is the rent for a linear right-of-way?
- 2806.21 When and how does the linear rent schedule change?

§ 2801.2

- 2806.22 How will BLM calculate my rent for linear rights-of-way the schedule covers?
2806.23 How must I make rental payments for a linear grant?

COMMUNICATION SITE RIGHTS-OF-WAY

- 2806.30 What are the rents for communication site rights-of-way?
2806.31 How will BLM calculate rent for a right-of-way for communication uses in the schedule?
2806.32 How does BLM determine the population strata served?
2806.33 How will BLM calculate the rent for a grant or lease authorizing a single use communication facility?
2806.34 How will BLM calculate the rent for a grant or lease authorizing a multiple-use communication facility?
2806.35 How will BLM calculate rent for private mobile radio service (PMRS), internal microwave, and "other" category uses?
2806.36 If I am a tenant or customer in a facility, must I have my own grant or lease and if so, how will this affect my rent?
2806.37 How will BLM calculate rent for a grant or lease involving an entity with a single use (holder or tenant) having equipment or occupying space in multiple BLM-authorized facilities to support that single use?
2806.38 Can I combine multiple grants or leases for facilities located on one site into a single grant or lease?
2806.39 How will BLM calculate rent for a lease for a facility manager's use?
2806.40 How will BLM calculate rent for a grant or lease for ancillary communication uses associated with communication uses on the rent schedule?
2806.41 How will BLM calculate rent for communication facilities ancillary to a linear grant or other use authorization?
2806.42 How will BLM calculate rent for a grant or lease authorizing a communication use within a federally-owned communication facility?
2806.43 How does BLM calculate rent for passive reflectors and local exchange networks?
2806.44 How will BLM calculate rent for a facility owner's or facility manager's grant or lease which authorizes communication uses subject to the communication use rent schedule and communication uses whose rent BLM determines by other means?

OTHER RIGHTS-OF-WAY

- 2806.50 How Will BLM Determine the Rent for a Grant When Neither the Linear Rent Schedule at §2806.20 nor the communication use rent schedule at §2806.30 applies?

43 CFR Ch. II (10–1–06 Edition)

Subpart 2807—Grant Administration and Operation

- 2807.10 When can I start activities under my grant?
2807.11 When must I contact BLM during operations?
2807.12 If I hold a grant, for what am I liable?
2807.13 As grant holders, what liabilities do state, tribal, and local governments have?
2807.14 How will BLM notify me if someone else wants a grant for land subject to my grant or near or adjacent to it?
2807.15 How is grant administration affected if the land my grant encumbers is transferred to another Federal agency or out of Federal ownership?
2807.16 Under what conditions may BLM order an immediate temporary suspension of my activities?
2807.17 Under what conditions may BLM suspend or terminate my grant?
2807.18 How will I know that BLM intends to suspend or terminate my grant?
2807.19 When my grant terminates, what happens to any facilities on it?
2807.20 When must I amend my application, seek an amendment of my grant, or obtain a new grant?
2807.21 May I assign my grant?
2807.22 How do I renew my grant?

Subpart 2808—Trespass

- 2808.10 What is trespass?
2808.11 What will BLM do if it determines that I am in trespass?
2808.12 May I receive a grant if I am or have been in trespass?

Subpart 2809—Grants for Federal Agencies

- 2809.10 Do the regulations in this part apply to Federal agencies?

AUTHORITY: 43 U.S.C. 1733, 1740, 1763, and 1764.

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Subpart 2801—General information

§ 2801.2 What is the objective of BLM's right-of-way program?

It is BLM's objective to grant rights-of-way under the regulations in this part to any qualified individual, business, or government entity and to direct and control the use of rights-of-way on public lands in a manner that:

(a) Protects the natural resources associated with public lands and adjacent

Bureau of Land Management, Interior

§ 2801.5

lands, whether private or administered by a government entity;

(b) Prevents unnecessary or undue degradation to public lands;

(c) Promotes the use of rights-of-way in common considering engineering and technological compatibility, national security, and land use plans; and

(d) Coordinates, to the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.

§ 2801.5 What acronyms and terms are used in the regulations in this part?

(a) *Acronyms.* As used in this part:

ALJ means Administrative Law Judge.

BLM means the Bureau of Land Management.

CERCLA means the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601 *et seq.*).

EA means environmental assessment.

EIS means environmental impact statement.

IBLA means the Department of the Interior, Board of Land Appeals.

IPD-GDP means the Implicit Price Deflator, Gross Domestic Product, as published in the most recent edition of the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.

NEPA means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

RMA means the Rannally Metro Area Population Ranking as published in the most recent edition of the Rand McNally Commercial Atlas and Marketing Guide.

(b) *Terms.* As used in this part, the term:

Act means the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*).

Actual costs means the financial measure of resources the Federal government expends or uses in processing a right-of-way application or in monitoring the construction, operation, and termination of a facility authorized by a grant or permit. Actual costs includes both direct and indirect costs,

exclusive of management overhead costs.

Base rent means the dollar amount required from a grant or lease holder on BLM managed lands based on the communication use with the highest value in the associated facility or facilities, as calculated according to the communication use rent schedule. If a facility manager's or facility owner's scheduled rent is equal to the highest rent charged a tenant in the facility or facilities, then the facility manager's or facility owner's use determines the dollar amount of the base rent. Otherwise, the facility owner's, facility manager's, customer's, or tenant's use with the highest value, and which is not otherwise excluded from rent, determines the base rent.

Casual use means activities ordinarily resulting in no or negligible disturbance of the public lands, resources, or improvements. *Examples of casual use include:* Surveying, marking routes, and collecting data to use to prepare grant applications.

Commercial purpose or activity refers to the circumstance where a holder attempts to produce a profit by allowing the use of its facilities by an additional party. BLM may assess an appropriate rent for such commercial activities. The holder's use may not otherwise be subject to rent charges under BLM's rental provisions.

Communication use rent schedule is a schedule of rents for the following types of communication uses, including related technologies, located in a facility associated with a particular grant or lease. All use categories include ancillary communications equipment, such as internal microwave or internal one-or two-way radio, that are directly related to operating, maintaining, and monitoring the primary uses listed below. The Federal Communications Commission (FCC) may or may not license the primary uses. The type of use and community served, identified on an FCC license, if one has been issued, do not supersede either the definitions in this subpart or the procedures in § 2806.30 of this part for calculating rent for communication facilities and uses located on public land:

(1) *Television broadcast* means a use that broadcasts UHF and VHF audio